

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court  
Southern District of Texas

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

OCT 05 2018

Clerk of Court

United States of America

v.

Luis Gerardo RUBIO-Rodriguez YOB: 1999, MXC  
Ezequiel GUTIERREZ-Guzman YOB: 1998, MXC  
Juan GUTIERREZ-Guzman YOB: 2000, MXC  
Jorge Luis VALENCIA-Tapia YOB: 1993, MXC

Case No.

M-18-2058-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 04, 2018 in the county of Starr in the  
Southern District of Texas, the defendant(s) violated:

## Code Section


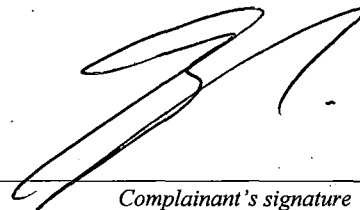
21 U.S.C. 841{a1}, 846

## Offense Description

Knowingly and Intentionally Possess with the Intent to Distribute  
approximately 133.5 kilograms of Marijuana, a Schedule I Controlled  
Substance.Knowingly and Intentionally Conspire to Possess with the Intent to Distribute  
approximately 133.5 kilograms of Marijuana, a Schedule I Controlled  
Substance.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

☒ Continued on the attached sheet.Approved by   
R. E. H. Smith

Complainant's signature

DEA Special Agent Steven F. Picone

Printed name and title

Sworn to before me and signed in my presence.

Date: 10/05/2018City and state: McAllen, Texas

Judge's signature

U.S. Magistrate Judge J. Scott Hacker

Printed name and title

## ATTACHMENT "A"

On October 04, 2018, at approximately 11:34am, Rio Grande City USBP Agents responded to Garciasville, TX, along the Rio Grande River, subsequent to concerned citizen information. The concerned citizen indicated that there were possibly illegal aliens crossing through his/her property. Agents responded to the area and observed signs indicating that an area of the tall grass had been disturbed. Agents followed the trail of disturbed grass which led to an abandoned residence approximately 200 yards south of Military Highway. Agents noticed there was an open window at the residence but it appeared to be vacant.

Agents observed additional disturbed grass leading away from the house so Agents continued following the trail until ultimately coming across some residents indicating they had seen subjects running from the area. Agents heard several dogs barking behind one of the resident's home so they proceeded to the area. Agents walked to the back of the house and located two (2) subjects hiding by a water heater. The two (2) subjects observed Agents and began to run away, but one of the subjects was arrested and the second subject got away. Agents followed the subject trail that led to a wooden shed behind a mechanic shop. Agents opened the door to the wooden shed and found four (4) subjects hiding inside. Agents took the additional four (4) males into custody pending further investigation. Agents looked all the shoulders and backs of all four (4) males and observed what appeared to be strap marks on their shoulders.

Agents traveled back to the abandoned house and detected a strong odor of marijuana through an open window. Agents checked the residence and located five (5) bundles of suspected marijuana inside an unlocked room. The bundles were wrapped in clear cellophane and were painted brown, green and black. Agents secured the five (5) bundles and transported them and the five males to the Rio Grande City Border Patrol Station for processing. Agents field tested the bundles and found them to test positive for marijuana which weighed approximately 133.5 kilograms. Agents read all five (5) subjects their Miranda Rights in Spanish. All five subjects indicated they understood their rights. One of the subjects, identified as Luis Gerardo RUBIO-Rodriguez made a voluntary statement indicating he was in the country illegally and that "they just told them to bring them" regarding the bundles of marijuana.

McAllen DEA Agents responded to interview all five defendants regarding the seizure. Agents identified one (1) of the subjects to be a juvenile, which was not interviewed and was remanded to the custody of U.S. Border Patrol Agents for immigration violation processing. DEA Agents identified the four (4) additional subjects to be Luis Gerardo RUBIO-Rodriguez, Ezequiel GUTIERREZ-Guzman, Juan GUTIERREZ-Guzman and Jorge Luis VALENCIA-Tapia. Each subject was advised of his Miranda Rights in Spanish and all waived their Rights except for VALENCIA-Tapia, who requested an Attorney. Luis RUBIO-Rodriguez, Ezequiel GUTIERREZ-Guzman, and Juan GUTIERREZ-Guzman advised that, in addition to the juvenile and VALENCIA-Tapia, carried the bundles of marijuana from Mexico to the United States. They advised that they wanted to come to the United States illegally and that they were informed to carry the marijuana bundles in lieu of paying currency to enter the United States. Agents observed red markings on the shoulders of all four (4) subjects which is indicative of carrying bundles of marijuana on their backs. Agents notified the U.S. Attorney's Office and the case was accepted for prosecution.

by [redacted]  
 produced in accordance with  
 the protective order in  
 Case No. 18-10000  
 signed by the Honorable